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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,205

Applicant(s)

HARDACKER, ROBERT L.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-6 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

1. Claims 17-18 are allowed based on the amendment.
2. New are has been added to reject the newly amended claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9, 11-16 and 19-22** rejected under 35 U.S.C. 103(a) as being unpatentable over Scrivens et al. US 6,728,518 and further in view of Sandberg US 5,023,706 and Inoue et al. US 5,729,280 (hereafter Scrivens and Sandberg and Inoue).

As per **claim 1**, Scrivens teaches an on-location local multicast distribution system (Abstract) comprising:

A plurality of input devices receiving contemporaneous information on a particular event (Abstract teaches a receiver receiving a radio signal pertinent to an event attended by a person),

A plurality of uniquely identifiable output devices (abstract teaches each receiver can be activated by a switch or by broadcast signal which reads on uniquely identifying each output device and also teaches a "code" can prevent unauthorized receipt of signal, see C3, L28-37 teaches a code that can activate/deactivate a receiver which inherently requires the ability to distinguish each receiver from others),

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A local distribution unit, information from said plurality of input devices being provided to said local distribution unit during said event for selective distribution to authorized output devices (abstract teaches includes a [local] transmitter and a code mechanism to prevent unauthorized receipt of the broadcast signal); and

**But is silent on a** registration terminal, event attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration and said output devices communicating requests to the local distribution unit such that the local distribution unit selectively distributes requested communications to the output devices.

Scrivens discloses use of these receivers at a "specific event" (C1, L50-51) and using the receiver at many different events (C2, L55 to C3, L12). Scrivens also states that conventional radios are typically banned from events (C1, L24-30) and conventional radios may be too large/bulky (C1, L18) and must be tuned to proper frequencies (C1, L19-23). Hence, one skilled would rent these event-specific radio receivers at a registration terminal whereby "attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration".

Inoue teaches video-on-demand capability whereby the user views data from the service provider and selects a program to view which reads on "output devices communicating requests to the LDU such that it selectively distributes requested communications to the output devices":

("Prior to or during display of the previews, or at a later time, the user enters into user interface 106 a select command to select one of the previewed programs for display. Interface 106 supplies corresponding user input signals to microcomputer 26 which issues control signals to VTR 30, in particular read/write controller 35, to reproduce the stored segments of video programming. Program selector 23 is controlled to select and supply to switch 20 the reproduced video signals corresponding to the particular video program selected by the user. Switch 20 is controlled to couple the output of program selector 23 with an input terminal of switch 105 and switch 105 is controlled to couple switch 20 with decoder 108. In this manner, the first segment of the desired program stored on the

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video tape of device 33 is supplied to decoder 108 for decoding and subsequent display to the user. C10, 62 to C11, L10)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that there is a registration terminal, event attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration as selected by the user, to provide means for renting the event-specific receivers to attendees which generates added revenues and allows the user/renter to view selected data as they wish).

As per **claim 2**, Scrivens teaches claim 1 wherein said input devices comprise at least one microphone receiving audio information from said event (receiver is a radio which must inherently receive audio information from a microphone, eg. from the musicians, announcers, etc.),

**But is silent on** at least one video camera receiving live video from said event.

Sandberg teaches a TV/Radio/Binocular system for use at sporting events. Hence, one skilled would modify Scrivens' radio receiver to include video reception so they can view the television broadcast as well (eg. for instant replay, etc. - abstract and C1, L14-23, C3, L14-16 and C4, L29-34).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that video is captured, transmitted and received to provide the user with both audio and video feeds in which to hear/watch the event.

As per **claim 3**, Scrivens/Sandberg/Inoue teaches claim 2 **but is silent on** wherein each said at least one video camera and at least one microphone are in radio communication with said local distribution unit.

The examiner notes that the event is captured via audio/video equipment and transmitted to the user. One skilled would use either wired/wireless means to transmit the event data from mic/camera to the distribution equipment based on several criteria,

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including; existence of wired infrastructure, cost/time to run wired communications, cost to use wireless transmission, interference to wireless transmission, etc..

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that each said at least one video camera and at least one microphone are in radio communication with said local distribution unit, to provide means for transmitting the data via wired/wireless means based on cost/ease of installation of infrastructure.

As per **claim 4**, Scrivens/Sandberg/Inoue teaches claim 3 **but is silent on** wherein said local distribution unit includes storage containing data related to said event.

The examiner takes Official Notice that Instant Replay is well known in the art and is used at sporting events to record actual play and then play it again for later viewing. The video data is inherently stored in a storage container/computer and one skilled would use said storage container/computer to record and store any/all event data for later replay/sale (eg. if a musical concert, the audio/video may be packaged and sold on a DVD). The examiner also notes that video recorders are well known and record both audio/video in storage/tape/CD/DVD.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that said local distribution unit includes storage containing data related to said event, to provide means for recording the event and distributing it for replay.

As per **claim 5**, Scrivens/Sandberg/Inoue teaches claim 3 **but is silent on** wherein each of said uniquely identifiable output devices includes a display, said authorized output devices displaying video selected from one or said at least one video cameras.

Sandberg teaches a TV/Radio receiver that can receive/display the video transmitted by any/all cameras at an event.

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that each output device includes a display and outputs video from one of the video cameras, to provide means for the user to receive video of the event from any/all of the cameras recording the event.

As per **claim 6**, Scrivens/Sandberg/Inoue teaches claim 5 **but is silent on** wherein said registration terminal includes a credit card input device, credit card information for registering users being provided to said registration terminal through said credit card input device.

Scrivens discloses use of these receivers at a "specific event" (C1, L50-51) and using the receiver at many different events (C2, L55 to C3, L12). Scrivens also states that conventional radios are typically banned from events (C1, L24-30) and conventional radios may be too large/bulky (C1, L18) and must be tuned to proper frequencies (C1, L19-23). Hence, one skilled would rent (**via cash, credit, check, etc.**) these event-specific radio receivers at a registration terminal whereby "attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration".

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that the registration terminal includes credit card input device to register each user, to provide means for renting the event-specific receivers to attendees which generates added revenues.

As per **claim 7**, Scrivens/Sandberg/Inoue teaches claim 5 **but is silent on** wherein at least one of said displays is a LCD.

Sandberg teaches an LCD display (C3, L14-15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg, such that an LCD is used, to output the video data.

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As per **claim 8**, Scrivens/Sandberg/Inoue teaches claim 5 **but is silent on** wherein at least one of said output devices is a PDA.

Both Scrivens and Sandberg teaches wireless receivers. Hence one skilled would use a PDA as well to receive the event-specific data since they are relatively small and have wireless means.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that a PDA is used, to provide means for interfacing to an attendee's PDA transceiver so they can pay just to receive the event transmission and not have to rent a receiver.

As per **claim 9**, Scrivens/Sandberg/Inoue teaches claim 5 wherein said uniquely identifiable output devices are in radio communication with said local distribution unit (figure 1 shows receiver #12 receiving data from broadcast distribution unit/BTS, #30).

As per **claim 11**, Scrivens/Sandberg/Inoue teaches claim 9 wherein said event is a sporting event said local distribution unit providing audio and video feeds from teams participating in said sporting event (C1, L5-15) **but is silent on** providing individual statistics about participants.

The examiner notes that the audio broadcast can include virtually anything about the (sports) event being attended, which includes individual statistics about the participants.

Sandberg teaches a device with TV/radio device. Both a TV and radio sportscast typically includes sports announcers that provide background statistics data about the participants.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that individual statistics about the participants is transmitted, to provide background data about each of the players in the game.



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As per **claim 12**, Scrivens/Sandberg/Inoue teaches claim 11 **but is silent on** wherein said sporting event is an auto race said local distribution unit providing audio and video feeds from pit crews, race cars and providing individual driver and race car statistics.

The examiner notes that a TV racecar broadcast can include virtually anything about the event and includes audio/video feeds during the race.

Sandberg teaches a device with TV/radio device that supports audio/video feeds and would transmit pit crews, race cars and driver/race car statistics per the TV broadcast.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that audio/video feeds about the pit crew, race cars and driver/car statistics is transmitted, to provide background information and behind the scenes looks during the race.

As per **claim 13**, Scrivens teaches using an audio receiver at an event (abstract), said method comprising:

a) selectively registering fans at a sporting event (Abstract teaches that a user who has received the unit can have their unit activated/deactivated by a transmitted signal from the BTS, C3, L28-37, hence unit is first "registered" and then can be activated/deactivated by the system's operator as necessary),

c) retrieving a unique viewer address from registered fans (Abstract teaches a code mechanism can prevent unauthorized access AND C3, L28-37 teaches activating/deactivating various units, which inherently requires a unique address for each viewer and reads on retrieving a unique address from registered fans),

**but is silent on** a method of doing business and renting/retrieving the rented units and providing multimedia data streams to registered viewers and said output devices communicating requests to the local distribution unit such that the local distribution unit selectively distributes requested communications to the output devices.

Scrivens discloses use of these receivers at a "specific event" (C1, L50-51) and using the receiver at many different events (C2, L55 to C3, L12). Scrivens also states

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that conventional radios are typically banned from events (C1, L24-30) and conventional radios may be too large/bulky (C1, L18) and must be tuned to proper frequencies (C1, L19-23). Hence, one skilled would rent these event-specific radio receivers at a registration terminal whereby "attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration".

Sandberg teaches a TV/Radio/Binocular system for use at sporting events. Hence, one skilled would modify Scrivens' radio receiver to include video reception so they can view the television broadcast as well (eg. for instant replay, etc. - abstract and C1, L14-23, C3, L14-16 and C4, L29-34).

Inoue teaches video-on-demand capability whereby the user views data from the service provider and selects a program to view which reads on "output devices communicating requests to the LDU such that it selectively distributes requested communications to the output devices":

("Prior to or during display of the previews, or at a later time, the user enters into user interface 106 a select command to select one of the previewed programs for display. Interface 106 supplies corresponding user input signals to microcomputer 26 which issues control signals to VTR 30, in particular read/write controller 35, to reproduce the stored segments of video programming. Program selector 23 is controlled to select and supply to switch 20 the reproduced video signals corresponding to the particular video program selected by the user. Switch 20 is controlled to couple the output of program selector 23 with an input terminal of switch 105 and switch 105 is controlled to couple switch 20 with decoder 108. In this manner, the first segment of the desired program stored on the video tape of device 33 is supplied to decoder 108 for decoding and subsequent display to the user. C10, 62 to C11, L10)

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that it allows a method of doing business and renting/retrieving the rented units and providing multimedia data streams to registered viewers, to provide means for making money by renting the event-specific multimedia receivers to attendees which generates added revenues revenues and allows the user/renter to view selected data as they wish).

As per **claim 14**, Scrivens/Sandberg/Inoue teaches claim 13 **but is silent on** wherein each registered fan renting a viewer provides a credit card number, said credit card number securing said viewer.

Scrivens discloses use of these receivers at a "specific event" (C1, L50-51) and using the receiver at many different events (C2, L55 to C3, L12). Scrivens also states that conventional radios are typically banned from events (C1, L24-30) and conventional radios may be too large/bulky (C1, L18) and must be tuned to proper frequencies (C1, L19-23). Hence, one skilled would rent (**via cash, credit, check, etc.**) these event-specific radio receivers at a registration terminal whereby "attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration".

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that a credit card number is provided, to provide means for renting the event-specific receivers to attendees which generates added revenues.

As per **claim 15**, Scrivens/Sandberg/Inoue teaches claim 13 **but is silent on** wherein as each fan registers said registering fan pays a fee for receiving multimedia streams.

The examiner notes that the system operator may provide different levels of reception (ie. audio-only, audio and video) which would have different costs.

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Scrivens teaches only a radio receiver (cheaper cost) while Sandberg teaches a TV/Radio (more expensive). Hence, one skilled would charge less/more for audio/video feeds.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that each fan registers said registering fan pays a fee for receiving multimedia streams, to provide means for generating less/more money based on if the user wants to receive audio-only or audio and video.

As per **claim 16**, Scrivens/Sandberg/Inoue teaches claim 15 **but is silent on** wherein a plurality of registering fans pay said fee by providing a credit card number.

Scrivens discloses use of these receivers at a "specific event" (C1, L50-51) and using the receiver at many different events (C2, L55 to C3, L12). Scrivens also states that conventional radios are typically banned from events (C1, L24-30) and conventional radios may be too large/bulky (C1, L18) and must be tuned to proper frequencies (C1, L19-23). Hence, one skilled would rent (**via cash, credit, check, etc.**) these event-specific radio receivers at a registration terminal whereby "attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration".

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens, such that the user registers by providing a credit card number, to provide means for renting the event-specific receivers to attendees which generates added revenues.

As per **claim 19**, Scrivens/Sandberg/Inoue teaches claim 15 **but is silent on** wherein multimedia streams comprise;

At least one audio stream,

At least one video stream,

At least one data stream including background information.

Sandberg teaches a TV receiver which inherently can receive audio and video streams and the audio stream can include data spoken by the event announcer which includes background information.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that the multimedia streams comprises At least one audio stream, At least one video stream, and At least one data stream including background information, to provide means for the user to receiver a typical TV broadcast of a (sporting) event (eg. audio and video).

As per **claim 20**, Scrivens/Sandberg/Inoue teaches claim 15 wherein said multimedia streams includes at least one broadcast feed provided in exchange for a portion of said fee.

Sandberg teaches a TV receiver.

The examiner notes that the system operator may provide different levels of reception (ie. audio-only, audio and video) which would have different costs.

Scrivens teaches only a radio receiver (cheaper cost) while Sandberg teaches a TV/Radio (more expensive). Hence, one skilled would charge less/more for audio/video.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg/Inoue, such that the multimedia stream includes one broadcast feed provided in exchange for a portion of the fee, to provide means for generating less/more money based on if the user wants to receive audio-only or audio and video.

As per **claims 21 and 22**, Scrivens/Sandberg/Inoue teaches claims 13/20 and the ability to transport viewers anywhere as well as transporting handhelds/audio/video equipment for providing live multimedia transmissions at a next event.

Scrivens teaches the system being used at/for many different events (C2, L56 to C3, L12) and the system only requiring one transmitter and many receivers. Hence, the system can be "mobile" since it would be used to support a sports teams, races, track and field, horse shows, etc.). Scrivens/Sandberg does not limit the invention to only being a permanent fixture and hence nothing excludes it from being a mobile multicast distribution system (abstract and figure 1).

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**Claim 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Scrivens, Sandberg and Inoue and further in view of Gaughan et al. US 6,073,171 (hereafter Gaughan).

As per **claim 10**, Scrivens/Sandberg teaches claim 9 **but is silent on** wherein said distribution unit is receiving event related data over the Internet.

Gaughan teaches a web television includes (i) a display, (ii) an internet module for supporting internet communications between the web television and internet content providers, (iii) a PIP module (iv) a video processor module for supplying video to the display, (v) an audio processor module for supplying audio (vi) an video/audio switch for switching outputs from a tuner of the web television and from the internet module between the PIP module, the video processor, and the audio processor, (viii) a two-way communication bus interconnecting the internet module, the PIP module, the video processor module, the audio processor module. The television controller controls the internet module, the PIP module, the video processor module, the audio processor module, and the video/audio switch so as to selectively display the internet communications and television signals on the display. The television controller also transmits messages to, and to receive messages from, the internet module over the two-way communication bus (Abstract). Hence, Sandberg's TV can be modified to be a web TV and thus receiver Internet data.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Scrivens/Sandberg, such that distribution unit is receiving event related data over the Internet, to provide means of transmitting Internet data to the people using the receivers at the event.

### ***Allowable Subject Matter***

**Claims 17-18** allowed. These claims have been amended per the examiner's recommendation.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
2-24-05

